

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CLERK OF COURT

SECURITIES AND EXCHANGE COMMISSION,

Applicant,

vs.

THOMAS G. MASSEY

Respondent.

Misc. Action No.:
Relates to Motion Referred to
Magistrate Judge Cureton

4-13MC-026-A

**APPLICATION OF THE SECURITIES AND EXCHANGE COMMISSION
FOR ORDER COMPELLING COMPLIANCE WITH ADMINISTRATIVE SUBPOENAS**

Applicant United States Securities and Exchange Commission (the "SEC") moves this Court for an Order compelling compliance with the administrative subpoena served on Respondent Thomas G. Massey ("Massey"). This motion is based on the SEC's Memorandum of Law in support of the motion, the Declaration of Nikolay Vydashenko dated June 18, 2013, and exhibits thereto.

The SEC requests that this Court enter an Order:

- (1) Directing Massey to produce documents to the SEC in accordance with the subpoena within fifteen days of the date of the Order;
- (2) Directing Massey to appear for testimony in accordance with the subpoena on the earlier of the date agreed to by the parties or within thirty days of the date of the Order;
- (3) Granting the SEC such other and further relief as may be necessary and appropriate to ensure that Massey complies with the administrative subpoena and any Order this Court issues; and

(4) Preserving this Court's jurisdiction over this matter to ensure that Massey complies with the administrative subpoena and any Orders of this Court.

Dated: June 18, 2013

Respectfully submitted,

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION



BRET HELMER
Texas Bar No. 00793931
NIKOLAY VYDASHENKO
New York Registration No. 4628566
United States Securities and
Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit 18
Fort Worth, TX 76102
Telephone: (817) 978-6477
Facsimile: (817) 978-4927
helmerb@sec.gov

Of Counsel:

ERIC WERNER
Texas Bar No. 24033919
United States Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit 18
Fort Worth, TX 76102

*Attorneys for Applicant United States
Securities and Exchange Commission*

CERTIFICATE OF CONFERENCE

The SEC submits this Certificate of Conference in accordance with Local Rule 7.1(b). Pursuant to Local Rule 7.1(a), on June 6, 2013, SEC staff attorney Nikolay Vydashenko spoke telephonically to counsel for Respondent, Gerald J. Casey, Esq. During this conversation, SEC staff provided Respondent an opportunity to comply with the administrative subpoenas to avoid the necessity of filing the instant application. Counsel for Respondent informed the SEC staff that Respondent's position with respect to his objection to the administrative subpoena had not changed, but asked the SEC staff to delay filing the action by one day to afford counsel an opportunity to confer further with Respondent. The following day, on June 7, 2013, counsel sent a letter to the SEC staff informing it that Respondent will not produce documents responsive to the subpoena based on Respondent's invocation of the Fifth Amendment act of production doctrine.


Nikolay Vydashenko

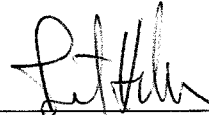
CERTIFICATE OF SERVICE

On June 18, 2013, I served the (1) the Motion of the Securities and Exchange Commission Compelling Compliance with Administrative Subpoena, (2) the Memorandum of Law in Support of the Motion of the Securities and Exchange Commission Compelling Compliance with Administrative Subpoena, (3) the Declaration of Nikolay Vydashenko, dated June 18, 2013, and exhibits thereto, (4) the Proposed Order, and (5) the Notice of Related Case by mailing the foregoing documents via UPS overnight delivery to:

**Thomas Massey
2825 Everett Dr.
Friendswood, TX 77546**

With a courtesy copy via UPS overnight delivery to:

**Gerald Casey, Esq.
613 Alamo St.
Lake Charles, LA 70601**


Bret Helmer